

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARK MAXSON,)	
)	
Plaintiff,)	
)	No. 16-cv-9417
)	
v.)	Judge Robert W. Gettleman
)	
JAMES DWYER, et al.,)	Magistrate Judge Jeffrey I. Cummings
)	
Defendants.)	

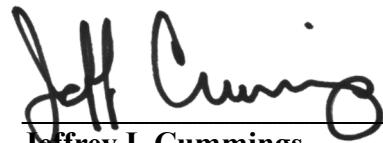
ORDER

The Court has reviewed plaintiff's motion to strike, (Dckt. #252), and defendants' response, (Dckt. #255), and orders as follows. Plaintiff's counsel are ordered to meet and confer with counsel for defendant officers to determine which witnesses on defendants' May 10, 2023 Rule 26(a)(1) supplemental disclosures are still at issue in light of defendants' assertion that:

1. one witness (Eileen Guest) has already been deposed;
2. three witnesses (Terry Owens; Lindsey Murdock Sr.; and Nancy Adduci) have already been listed on prior Rule 26(a)(1) disclosures;
3. two witnesses (Kip Owen and William Lacy) will be called for impeachment purposes only and therefore need not have even been listed on the disclosures;
4. defendants will not call recordkeepers from ABC, NBC, and FOX news as trial witnesses if plaintiffs agree to stipulate to the evidentiary foundation of the videos from these networks;
5. defendants have agreed to strike Sonya Carter from their disclosures;
6. defendants will not call Dennis Murdock as a trial witness if plaintiff stipulates to the foundation for the crime scene photographs and his crime scene report; and
7. the criminal court hearing transcript (stamped DEF 017793-017799) is the only document not previously produced in discovery that is listed in the disclosures.

Plaintiff shall file a reply on or before June 16, 2023 that addresses the above matters, addresses defendants' arguments regarding the remaining witnesses in the disclosures, and identifies which (if any) of the remaining witnesses that plaintiff will seek to depose if his motion to strike is not granted regarding them.

Date: June 8, 2023



Jeffrey I. Cummings
United States Magistrate Judge